



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 3839-00
3 October 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you underwent a pre-enlistment physical examination on 15 March 1999. You specifically denied a history of asthma, pain or pressure in chest, shortness of breath and allergies. You enlisted in the Navy on 15 April 1999. On or about 19 April 1999, you disclosed a lengthy history of symptoms of, and treatment for, asthma. You indicated that you did not want to apply for waiver consideration in order to remain on active duty. Although pulmonary function testing conducted at that time did not support a diagnosis of asthma, you were discharged on 29 April 1999, based on your self-admitted history of asthma, and symptoms of shortness of breath, chest pain, wheezing and coughing. You completed 15 days of service, and were assigned a reenlistment code of RE-4.

The Board concluded either you fraudulently enlisted by concealing your history of asthma, or you fraudulently procured your discharge by falsely claiming a history of asthma which you did not have. In any event, it is clear that you are not suitable for further service, and that given the circumstances of your enlistment and discharge, no injustice occurred in your case. The fact that pulmonary function testing did not substantiate a diagnosis of asthma is

immaterial given your disclosures. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director